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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,504	08/22/2003	Makoto Takamura	033022-009	8738
21839 7590 07/13/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER PATEL, ASHOK	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,504	<b>Applicant(s)</b> TAKAMURA, MAKOTO	
	<b>Examiner</b> Ashok Patel	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's arguments with respect to claims 1, 4, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In view of amendment of claim 1, at lines 15-17: the limitations "the first electrode which is a cathode" and "the third electrode which is a cathode" render the claim vague since these limitations are in contradiction with the limitation "wherein the first, second and third electrodes act as an anode, and cathode formed alternatively" at lines 11-12. The limitation "wherein the first, second and third electrodes act as an anode, and cathode formed alternatively" at lines 11-12 means that the first electrode is an anode, the second electrode is a cathode and the third electrodes is an anode (all of the first, second and third electrodes placed alternatively within the device).

In light of this, the limitations "the first electrode which is a cathode" and "the third electrode which is a cathode" (at lines 15-17) do not hold true.

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Claim 4 is necessarily rejected since it depends upon rejected claim 1.

Please note 35 U.S.C. 112, second paragraph rejection issued in the previous office action (paper no. 20061210) is different from the above 35 U.S.C. 112, second paragraph rejection. The Examiner vacates the previous 35 U.S.C. 112, second paragraph rejection issued in paper no. 20061210 in view of applicant's arguments presented in the response filed on 04/09/2007.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Osamu et al (Japanese document 06-176870).

As to claims 1 and 9, Osamu et al disclose applicant's claimed organic electroluminescent (EL) display device (at least Figures 2-4) including: a substrate (11), a first electrode (cathode 12) formed on the substrate, a first organic electroluminescence layer (14) provided on an upper layer of the first electrode; a second electrode (15) provided on the first

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organic electroluminescence layer; a second organic electroluminescence layer (16) provided on the second electrode, and a third electrode (cathode) provided on the second electroluminescence layer,

wherein the , second and third electrodes act as an anode and a cathode alternatively,

wherein at least one of the first and second electrodes is transparent and transmits electroluminescence light, and

wherein a metal film formed of metal oxides or other metal (ITO or SnO<sub>2</sub> or gold or nickel or Ag (see detailed Description, paragraph 0011, 0019), on a boundary (as clearly shown in Figures 2-4) between: (1) the first electrode (12) which is cathode and the first organic electroluminescence layer (12) or (2) the third electrode (18) which is cathode and the second organic electroluminescence layer (16).

As to claims 1 and 9, applicant's claimed composition for the metal is recited so broadly that the Examiner interprets the composition broadly selectively from the Osamu et al prior art reference.

As to claims 4 and 10, applicant is claiming an information terminal including the organic EL device of claims 1 and 9, which is not disclosed by Osamu et al. However, it has been held

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that a recitation with respect to the manner in which a claimed EL device is intended to be employed/used does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). Therefore, the intended use limitation is not given a patentable weight.

Additionally/alternatively as to claim 4 and 12, a recitation of the intended use of claimed invention within an information terminal must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it means the claim, In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963). Therefore, the intended use limitation is not given a patentable weight.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

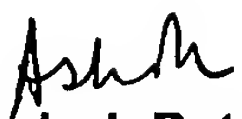
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ashok Patel**  
**Primary Examiner**  
**Art Unit 2879**